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1 happen.

2 THE COURT: Yes, I understand. All right. So,
3 once the decision comes out with respect to the motion to
4 amend, which I regard to be imminent, then the parties
5 should get together to essentially come up with a 16B plan
6 for future discovery and where the case should go from here.
7 I'd let you know. Do I need to address anything else at
8 this moment?

9 MR. BUHLMAN: Your Honor, if I could just add that
10 with respect to Mr. Richman, he was not a named party in the
11 original derivative complaint. He was named in the amended
12 derivative complaint, and he's not a director and with
13 respect to the afforded claims against him, they should be
14 dismissed when you apply the Rule 23 and 12(b)(6) that I've
15 argued about before.

16 THE COURT: Okay. Yes.

17 MR. HABER: Your Honor, as we expressed in our
18 reply memorandum regarding lifting the automatic stay,
19 obviously if the Court allows the motion to amend, if there
20 isn't any more litigation regarding sufficiency of those
21 complaints, then the automatic stay in that motion is
22 mooted. But we do ask in paragraph 2 of that reply since

23 this case has been under the stay for so long, that the
24 specific documents that we addressed in the automatic stay
25 be simply ordered produced within 30 days, and those are the
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1 documents that the defendants already produced to the SEC
2 during the SEC's investigation, and the transcripts in the
3 possession of the defendants of testimony given to the SEC
4 and all documents produced by the defendants, to the
5 defendants by the SEC in the SEC action. We would like to
6 move this forward. We think that could happen promptly.

7 THE COURT: This is in your response to the --

8 MR. HABER: That's in the plaintiff's reply
9 memorandum in support of the motion to lift the automatic
10 stay. It's just a three-page document.

11 THE COURT: Okay. I'll take a look at that. I'll
12 issue a procedure order. One last word, you have the last
13 word.

14 MR. BUHLMAN: Thank you, your Honor. With respect
15 to the motion to amend, even if the motion to amend is
16 allowed, the motion to dismiss the complaint is still
17 pending.

18 THE COURT: How could it be pending? It referred
19 to an earlier complaint. I anticipated the arguments, yes,

20 but that's not formally a motion to dismiss.

21 MR. BUHLMAN: I guess what I was saying, your

22 Honor, when you rule on the motion to amend, I think it's

23 more than the SEC copying point which we still stand behind,

24 it's also that the second amended complaint is deficient

25 under the PSLRA standards that we've argued about today.